IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

TUESDAY, THE TWENTY EIGHTH DAY OF SEPTEMBER
TWO THOUSAND AND FOUR

PRESENT

THE HON'BLE SRI DEVINDER GUPTA, THE CHIEF JUSTICE

AND
THE HON'BLE SRI JUSTICE C.V.RAMULU

WRIT APPEAL No.1488 of 2004

(Writ Appeal under Clause 15 of the Letters Patent against the Order dated 24-08-2004 in W.P.M.P.No.15154 of 2004 in W.P.No.11915 of 2004 on the file of the High Court.)

Between:

Pujari Thimmaiah, S/o. Pujari Singaraiah,
R/o. Kamagani Kuntla Village, Dhone Mandal, Kurnool District.

..... APPELLANT

AND

1 The Executive Officer, Dhone, Group of Temples,
Dhone, Kurnool District.
2 The Commissioner of Endowments, Hyderabad.
3 The Deputy Commissioner of Endowments, Kurnool.
4 The Assistant Commissioner of Endowments, Kurnool.

.....RESPONDENTS

Counsel for the Appellant: Mr.G.VEERA REDDY

Counsel for Respondent No.1: Mr.V.VENUGOPAL

Counsel for Respondent Nos.2 to 4:GOVT. PLEADER FOR

ENDOWMENTS.

The Court at the admission stage made the following :

ORAL JUDGMENT: (per the Hon'ble the Chief Justice)

Appellant claiming himself to be performing service in three temples namely, Sri Kesava Swamy, Sri Anjaneya Swamy, Sri Kanuma Timmaraya Swamy, Kamagani Kuntla village, filed writ petition challenging the action of respondent No.1 in proceeding to conduct public auction of leasehold rights in respect of land in Sy.Nos.199, 200, 407, 208, 228, 210, 448, 675, 342 and 359 to an extent of Ac.0.95 cents, Ac.1.64 cents, Ac.13.28 cents, Ac.8.09 cents, Ac.7.03 cents, Ac.5.64 cents, Ac.0.39 cents, Ac.21.15 cents, Ac.8.83 cents and Ac.2.43 cents respectively situate in Kamagani Kuntla village. Petitioner-appellant alleged that since he had been performing service in the temples and the three temples are small group temples, he is entitled to continue in occupation of the land as he has been in occupation for the last more than eight years.

In the writ petition, initially, interim order was granted on 13-7-2004, which was modified by the order which is impugned in the writ appeal. Insofar as the land situate in Sy.Nos.228 and 270 belonging to Kanuma Timmaraya Swamy temple is concerned, interim order was continued and it was vacated for the remaining lands belonging to other temples. Modification to interim order was made on the basis of the stand taken by first respondent that appellant was not appointed as Archaka for the group temples though he had been performing service for Sri Kanuma Timmaraya Swamy temple.

We have heard the learned counsel for the parties.

The stand of appellant is that he is in occupation of the lands, which stand is also endorsed by the Panchayat Secretary that lands are in possession of appellant and they belong to the temples which are under the management of Endowment Department. Appellant has not produced any material to show that he is rendering Archakatvam for all temples. For that reason we see no ground to interfere with the impugned order. However, having regard to the fact that appellant is in possession of the lands in Sy.Nos.199, 200, 407 and 208 and sown crops in the lands in respect of which the interim order has been vacated, we would modify the interim order, on the undertaking given by the appellant that on harvest of the crops, the respondents will proceed to auction the lands for which he will raise no objection, and that respondents 1 to 3 will conduct auction for the lands in respect of which there was

no interim stay, after 31-12-2004.

Writ Appeal stands disposed of accordingly. No costs.

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(DEVINDER GUPTA, C.J.)

28th September 2004.

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(C.V.RAMULU, J.)

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To

1 The Executive Officer, Dhone, Group of Temples,
Dhone, Kurnool District.
2 The Commissioner of Endowments, Hyderabad.
3 The Deputy Commissioner of Endowments, Kurnool.
4 The Assistant Commissioner of Endowments, Kurnool.

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